

Notice of Allowability

Application No.

10/691,828

Examiner

Ha D. Ho

Applicant(s)

RANDALL, STEVEN PAUL

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments filed 10/03/05 and 10/11/05.
2. ☒ The allowed claim(s) is/are 1-13 and 17-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date paper No.113005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This Office Action is responsive to Applicant's Amendments filed on 10/03/05 and 10/11/05. New claims 24-26 have been added, and claims 14-16 have been canceled accordingly.
2. Claims 1-6 and 21-26 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 7-13 and 17-20, directed to the process of using or operating the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Claims 7-13 and 17-20 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on 03/04/05 is hereby withdrawn.

3. Claims 1-13 and 17-26 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: Examiner agrees with Applicant's arguments filed 10/03/05. The prior art of record does not disclose or render obvious a motivation to provide for an electro-mechanical transmission system and the method of operating the same, the transmission system comprising two compounded epicyclic gear sets, and two electric machines as defined by the limitations of claims 1, 7, 13, 17-19 and 21-23; wherein the torque applied to the output shaft is increased by directing the electric power from one of the machines operating as a generator to a energy receiver or an electrical

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load as required by the limitations of claims 1, 7, 13, 17 and 18; wherein the torque applied to the output shaft is increased by braking at least one of the electrical machines as required by the limitations of claim 21; wherein the torque applied to the output shaft is increased by controlling the flow of electrical power between the electrical machines and a third electrical machine as required by the limitations of claim 22; and wherein when the level of torque required at the output shaft exceeds a predetermined value, means controlled by monitoring means extracts power in mechanical or electrical form from the transmission system as required by the limitations of claim 23.

Drawings

5. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the new drawing submitted 10/03/05 will be amended to show a properly identifier, i.e., "**New Sheet**" in the top margin. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is 571-272-7091. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HDH
(571) 272-7091
December 1, 2005


HAHO
PRIMARY EXAMINER
Art Unit 3681

12/01/05